

***UNITED STATES DISTRICT COURT***  
***SOUTHERN DISTRICT OF OHIO***

**JUDGMENT IN A CIVIL CASE**

Max Rack, Inc.,

vs.

Case No. 2:05-cv-784

Hoist Fitness Systems, Inc.,

**Judge Michael H. Watson**

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☐ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

☒ **Decision by Court.** This action was decided by the Court without a trial or hearing.

IT IS ORDERED AND ADJUDGED that pursuant to the June 3, 2010 Opinion and Order, The Court DIRECTS the Clerk of Court to enter final judgment as to Plaintiff's claims in favor of Defendant. Defendant's counterclaims remain pending, but the Court VACATES all remaining case deadlines. The Court will not conduct further proceedings in this action until conclusion of the forthcoming appeal, and ADMINISTRATIVELY CLOSES this action. The parties shall file notice with this Court within fourteen days of entry of the court of appeals' mandate, at which time the Court shall proceed to reactivate this case on the docket if appropriate.

Date: **June 3, 2010**

**James Bonini, Clerk**

s/ Jennifer Kacsor  
By Jennifer Kacsor/Courtroom Deputy